

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 25621 of 2005(A)

PETITIONER:

POMMILERI PUSHPAVALLI, W/O.K.M.BABU,
ANANDA VIHAR, KAYALODE, MAMBRAM P.O.
KANNUR DISTRICT.

BY ADV. SRI.K.V.SOHAN
SRI.JOYAN P.ANTONY.
SMT.SREEJA SOHAN.K.

RESPONDENTS:

1. K.M.PRAMEELA, W/O.V.P.RAMAKRISHNAN,
KRISHNAPRIYA, KAYALODE, MAMBRAM P.O.
KANNUR DISTRICT.
2. POMMILERI SHYAMALA, D/O.LAKSHMIKUTTY
AMMA, PEEDIKAKANDY VEEDU, P.O.MAMBRAM 670 741.
3. POMMILERI KUNHANANDAN NAMBIAR,
W/O.RAMAN NAMBIAR, PUTHEN VEEDU, ERUVATTY AMSOM,
ERUVETTY DESOM, 670 642.
4. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, PINARAYI.
5. THE DISTRICT COLLECTOR,
KANNUR.

R4 BY ADV. SRI. P.P. THAJUDEEN, SC, KSEB
R1 TO R3 BY ADVS. SRI.K.V.PAVITHRAN &
SRI.JAYANANDAN MADAYI PUTHIYAVEETIL
R5 BY GOVERNMENT PLEADER SRI. P.N. SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE APPLICATION SENT BY THE PETITIONER'S HUSBAND TO THE 5TH RESPONDENT ALONG WITH A SKETCH PLAN DATED 29.10.2003

EXT.P2 TRUE COPY OF THE REPORT SUBMITTED BY THE TAHILDAR, THALASSERY TO THE 5TH RESPONDENT-DISTRICT COLLECTOR, ALONG WITH THE SKETCH PLAN DATED 2.8.2004

EXT.P3 TRUE COPY OF THE ESTIMATE ALONG WITH THE PLAN SUBMITTED BY THE 4TH RESPONDENT DATED 20.4.2005

EXT.P4 TRUE COPY OF THE PLAINT IN OS NO. 349 OF 2004 FILED BY THE PETITIONER BEFORE THE MUNSIF COURT, KUTHUPARAMBA.

EXT.P5 TRUE COPY OF THE ORDER PASSED BY THE 5TH RESPONDENT, DISTRICT COLLECTOR, DATED 23.4.2005

RESPONDENTS 1 TO 3'S EXHIBITS:

EXT.R1(a) TRUE COPY OF THE SKETCH PLAN

EXT.R1(b) TRUE COPY OF THE NOTICE ISSUED TO TAHSILDAR, THALASSERY DATED 5.4.2004

EXT.R1(c) TRUE COPY OF THE NOTICE ISSUED TO THE DISTRICT COLLECTOR DATED 3.9.2004

EXT.R1(d) TRUE COPY OF THE PLAN SUBMITTED BY THE TAHSILDAR, THALASSERY DATED 13.7.2004

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 25621 OF 2005

Dated this the 6th day of September, 2007

JUDGMENT

Heard counsel for the petitioner, standing counsel for KSEB and counsel appearing for respondents 1 to 3. Petitioner is challenging the order of the Additional District Magistrate approving shifting of the electric line from the petitioner's property, but not to the extent requested by the petitioner. On going through the sketch produced by standing counsel for KSEB I find the line presently is crossing petitioner's property diagonally. The proposal is to shift the post where from the line starts to the corner of the pathway outside the petitioner's property, take the line through the road-side to the northern end of the petitioner's property and to draw line over the northern boundary of the petitioner's property, from S to R and retain the connection to the beneficiary. Since the proposal is reasonable, W.P. is disposed of directing the fourth respondent to shift the line in terms of the sketch produced by the standing counsel for KSEB in this Court, that is by drawing the line over the northern boundary of petitioner's property

and retain connection to the beneficiary. Sketch is returned to the standing counsel for being forwarded to the fourth respondent along with a copy of this judgement.

(C.N.RAMACHANDRAN NAIR)
Judge

